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Reply to office action of June 24, 2008   Docket: CU-4274

REMARKS/ARGUMENTS

Reconsideration is respectfully requested.

Claims 1-9 are pending before this amendment. By the present amendment, claims 1, 5-9 are amended. No new matter has been added.

On July 16, 2008, the applicants' representative (Loren K. Thompson) conducted a brief telephone conversation with the USPTO examiner (Sai Ming Chan). The applicant's representative noted that the Office Action Summary was in error with regards to items 1, 4 and 6. In particular Item #1 erroneously has the office action indicating that the applicants' communication of 25 October 2005 was the last communication instead of indicating that the last communication was on March 17, 2008. Item #4 incorrectly indicated that claims 1-7 are pending instead of indicating that claims 1-9 are pending. Item #6 incorrectly indicated that claims 1-7 is/are rejected instead of indicating that claims 8-9 were also rejected.

In light of the above noted errors in the Office Action Summary, the applicant asked whether the 35 USC§101 rejection (page 2) was really just limited to only claims 1-7 and shouldn't it be expanded to reject claims 1-9 because claims 8-9 are dependent claims. The examiner did not provide any adequate directive.

Finally, the applicants' representative noted that the office action (page 10) incorrectly indicated that the applicants' arguments were filed on April 10, 2008 instead of March 17, 2008.

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The examiner has indicated that upon receipt of this response then the examiner will correct these errors.

On July 17, 2008, the applicants' representative (Loren K. Thompson) conducted a more substantive telephone conversation with the USPTO examiner (Sai Ming Chan). The applicants asked for any clarification concerning the office action's (page 10) conflicting statement in the "Response to Amendment" where it states "The Examiner has modified the response with a new reference which combines with Eriksson to provide 'bi-directional virtual driver'." In particular, the applicants asked "What new reference?"

The applicants noted that Eriksson was the only reference used to disclose anything remotely similar to the claimed "bi-directional" virtual driver. The applicants then noted that the "new reference" couldn't be Eriksson because Eriksson was already used in the obviousness rejection found in the prior office action.

The applicants noted that the device driver of Eriksson is discussed in only a few paragraphs and further noted that Eriksson appeared to only teach a device driver that could send but not receive (See e.g., Eriksson at ¶[0082], lines 7-18; ¶[0084], lines 2-6; ¶[0085], lines 6-9; ¶[0086], lines 1-5; ¶[0090], line 6; ¶[0096], lines 2-13). The applicants noted to the examiner that nowhere in Eriksson could the applicants find any indication that the device driver of Eriksson is "bi-directional". The applicants acknowledged that Eriksson does teach a device driver that sends across the IP interface but the applicants could find nothing in Eriksson that teaches or even suggests

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a device driver that receives anything across an IP interface.

The applicants specifically asked whether the examiner meant that a device driver would have an "inherent property" of both receiving and sending. The examiner indicated that he wasn't inclined to support "inherent property" interpretation to prove that the Eriksson device driver could send and could receive.

The applicants' representative then asked whether the examiner meant that it was common knowledge that device drivers could send as well as receive. The examiner indicated that he was aware that transceivers receive and send but was silent with regards to device drivers.

Finally, the applicant again asked whether the 35 USC§101 rejection (page 2) was really just limited to only claims 1-7 and shouldn't it be expanded to reject claims 1-9 because claims 8-9 are dependent claims. The examiner again did not provide any adequate directive. Accordingly, the applicants will hold that claims 8-9 possess at least the requisite amount sufficient utility.

In the office action (page 2), claims 1-7 are rejected under 35 U.S.C. §101 because the claimed invention is directed to an abstract idea.

The applicants respectfully disagree and believe that the claims as they now stand are in condition for allowance.

First, concerning utility found in the specification, the examiner in the telephone conversation on July 17, 2008 noted the examiner searches for evidence of utility within

the body of the specification.

Accordingly, the applicants respectfully draw the examiner's attention to the

paragraph [0027] in the specification that states:

> The virtual driver performs a reporting process with the IP in
> advance in order to process the dynamic and static addresses of the
> **mobile stations** belonging to the GGSN during the process of transmitting
> the IP packets provided from the PDN to the GPRS network.

This passage should establish that the virtual driver of the present application is

a component of a communication system which allows mobile stations, i.e., things like

cell phones, blackberries and alike, to work (i.e., a use).

Using mobile stations to communicate is a desirable feature because people can

uses these tiny little devices, i.e., mobile stations, to communicate to one another and to

search the Internet.

The virtual driver of the present invention, inter alia, reports the dynamic and

static addresses of these mobile stations which means it keeps track of exactly where

the particular mobile station is so that it can inter-network route location information

back and forth from the PDN so that the mobile station of the GGSN can eventually

receive the communication from the PDN. This is a desirable feature because it is

useful to receive information, i.e, two way communication, when one is communicating

to a PDN via a mobile station.

Therefore, the applicants believe that the specification possesses sufficient utility

because, inter alia, mobile stations can use the presently claimed invention to

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communicate across various networks.

Second, concerning utility found in the claims, the examiner's attention is

respectfully directed to the preambles in independent claims 1, 5 and 6 that require that

either the claimed system or the claimed method is – for mobile station communications

across various IP networks --.

The applicants note that the claimed system and methods provide multiple ways

of communicating between GGSN and PDN networks. The claimed system and

methods when employed result in exchanging information between the networks which

mobile stations request or receive (see e.g, FIGs. 3 and 4).

Accordingly, the applicants believe that the claims are in condition for allowance

and respectfully request that the examiner withdraw this non-utility rejection.

In the office action (page 3), claims 1-3, 5-6 and 8-9 stand rejected under 35

U.S.C. §103(a) as being unpatentable over U.S. Publication No. 2002/0141393

(Eriksson et al.), in view of U.S. Patent No. 7,155,526 (Chaudhary et al.).

The applicants respectfully disagree and believe that the claims, as they now

stand, are in condition for allowance.

The examiner's attention is respectfully directed to the prior submitted arguments

(submitted on March 17, 2008 in the last response) that pointed out that Eriksson at

most teaches a device driver that only sends and does not receive packets at the IP

layer interface.   The applicants maintain that Eriksson at most teaches a uni-directional

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PAGE 11/16 * RCVD AT 8/22/2008 2:34:24 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/12 * DNIS:2738300 * CSID:312 427 6663 * DURATION (mm-ss):03-00

device driver. Therefore the applicants maintain that Eriksson does not teach or suggest the presently claimed virtual driver that performs inter-network routing of IP packets back and forth to the PDN via the IP layer. Likewise, the applicants maintain that Eriksson does not teach or suggest the claimed virtual driver that performs routing IP packets back and forth to the GPRS tunneling protocol unit (GTP-U).

Regarding the examiner's comments of July 17, 2008 that he was aware that transceivers receive and send. The applicants readily acknowledge the fact that transceivers are well known devices that ate able to both send and receive.

However the applicants readily point out that the Eriksson does not teach or suggest a transceiver but rather Eriksson discloses at most a device driver that is capable of sending IP packets through an IP interface. Accordingly, the applicants believe that the device driver of Eriksson is considerably different than a transceiver.

Further the applicants believe that a transceiver is substantially different from the claimed virtual driver. In particular, a transceiver receives and emits EMF signals through space (i.e., without any direct physical connection) whereas the claimed virtual driver performs routing of IP packets back and forth to the PDN when interfaced to the IP layer.

Further, the applicants have subsequently amended the claims to specifically clarify that the virtual driver performs inter-network routing of IP packets back and forth to the PDN and that the GTP-U performs intra-network transmitting the tunnel messages back and forth to the GGSN using the IP layer.

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Therefore for any and all of the above reasons, the applicants believe that

Eriksson does not teach or suggest, inter alia, the presently claimed virtual driver as

required in independent claims 1, 5 and 6.

Regarding Chaudhary, the office action (page 4 uses Chaudhary to disclose first

and second layers of PDN and GPRS. The applicants accept this. However, the

applicants believe that Chaudhary does not teach or suggest, inter alia, the virtual driver

of the presently claimed invention. In particular, the applicants believe that at most

Chaudhary teaches a WLAN radio access network interfaced to a GSM/GPRS core

network in which gateways transport services between the two networks. Chaudhary's

system has a Radio Link Manager (RLM) and a Radio Access Controller (RAC) with a

Multi-link Client (MLC) for controlling the functionality of the integration and controlling

authentication of users. This is considerably different from the presently claimed

invention, in particular, none of the Chaudhary's elements remotely resemble a virtual

driver provided on the lower part of the IP layer for performing routing of IP packets

back and forth to the PDN via the IP layer and performing routing IP packets back and

forth to the GPRS tunneling protocol unit from the virtual driver wherein the virtual driver

is operable as the lower interface of the IP layer. Therefore, the applicants believe that

Chaudhary also does not teach or suggest, inter alia, the virtual driver of the presently

claimed invention.

Accordingly, combining Eriksson with Chaudhary does not cure the above noted

deficiency if Eriksson in replicating the presently claimed invention. Therefore, the

applicants believe that Eriksson and Chaudhary, in whole or in combination, do not

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teach or suggest all of the limitations required in independent claims 1, 5 and 6. Thus

the examiner is respectfully requested to withdraw this obviousness rejection.

In the office action (page 9), claims 4 and 7 stand rejected under 35 U.S.C.

§103(a) as being unpatentable over Eriksson et al., in view of Chaudhary et al., and in

view of U.S. Publication No. 2003/000248 (Giustina et al.).

The applicants respectfully disagree and believe that the claims as they now

stand are in condition for allowance.

The above comments concerning Eriksson and Chaudhary are equally applicable

here in that Eriksson and Chaudhary, in whole or in combination, do not teach or

suggest, inter alia, the virtual driver of the presently claimed invention.

As pointed out in the previously submitted response of March 17, 2008, Giustina

discloses a mobile telecommunication system that provides packet switching services

for connecting mobile stations (MS) to an external data network (PDN) which uses a

gateway control means (GGSN) for receiving packet data units (PDU) from the external

data network for routing to selected MS having unique IMSI numbers for use in

establishing connections with the GGSN (See Giustina ¶[0015], lines 1-7). The

Giustina system does this by using a table for tracking each MS and its associate

packet addresses with the MS for a selected packet data services. This table is used to

contain the system address to each packet address associated with each MS along with

contents of access point identifier employed in the system for the external data network.

This table is used to store, among other things, the SGSN (Serving GPRS Support

Node) address associated with each MS and a time index so as to judge whether or not

the SGSN address is valid or time expired. Preferably this table also stores the access

point name (APN) which then can be used as a reference point or identifying address

for the external network. In the event that this table does not have a valid SGSN

address, the GGSN interogates the HLR (Home Location Register) to obtain the

respective information. (See Giustina ¶[0014], lines 1-6).

Giustina reference concerns itself not with virtual drivers but rather concerns

itself with how to track each individual Mobile Station (MS). In it understandable that

the office action uses Giustina only to teach a reporting process with the IP in advance

in order to process the dynamic and static addresses of the mobile stations belonging to

the GGSN during the process of transmitting the IP packets provided from the PDN to

the GPRS network.

Therefore, the applicants respectfully believe that nothing within Giustina even

remotely resembles the virtual driver of the presently claimed invention.

Accordingly, combining Giustina with Eriksson and Chaudhary does not cure the

above noted deficiency of the combination of Eriksson and Chaudhary in replicating the

presently claimed invention. Therefore, the applicants believe that Eriksson, Chaudhary

and Giustina, in whole or in combination, do not teach or suggest all of the limitations

required in independent claims 1, 5 and 6. Thus the examiner is respectfully requested

to withdraw this obviousness rejection.

For the reasons set forth above, the applicants respectfully submit that claims 1-

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8, now pending in this application, are in condition for allowance over the cited

references. Accordingly, the applicants respectfully request reconsideration and

withdrawal of the outstanding rejections and earnestly solicit an indication of allowable

subject matter.

This amendment is considered to be responsive to all points raised in the office

action. Should the examiner have any remaining questions or concerns, the examiner

is encouraged to contact the undersigned attorney by telephone to expeditiously resolve

such concerns.

Respectfully submitted,

Dated: **AUGUST 22, 2008**

Loren K. Thompson, Ph.D., Reg. No. 45,918
Ladas & Parry LLP
224 South Michigan Avenue
Chicago, Illinois 60604
(312) 427-1300